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EXAMINER

SONG, HOSUK

ART UNIT PAPER NUMBER

2135

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,054

Applicant(s)

YANOVSKY, BORIS

Examiner

Hosuk Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09835054.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4,9,14,16-23,29,36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ji et al(US 6,728,886).

Claim 1: Ji disclose a local network(LAN) having at least one host device having software to perform anti-virus scanning in (col.3,lines 14-19). Ji disclose a communication module to communicate anti-virus protection information for that at least one host device to the access module in (col.5,lines 5-20). Ji disclose an access module couple to the LAN to maintain a policy regarding anti-virus protection for the LAN and manage anti-virus protection scanning performed by the at least one host device, the access module to exchange anti-virus protection information with the one host device using the communication module of the host in (col.5,lines 9-20;col.6,lines 23-38 and fig.2).

Claim 2: Ji disclose communication module is part of the at least one host device in (fig.2).

Claim 3: Ji disclose access module sends at least one command to the at least host device via the communication module in (col.3,lines 54-64).

Claim 4: Ji disclose command comprises a command selected from a group comprising: a command to request status of the anti-virus protection of the at least on host devie, a

command to have the at least one host to update the anti-virus protection, a command to uninstall the anti-virus protection, and a command to check a specific file or directory in (col.6,lines 23-38).

Claim 9: Ji disclose host device communicates a version number of the anti-virus protection software on the host device to the access module in (col.6,lines 23-33).

Claim 14: Ji disclose access module initiates an update in anti-virus protection for the host-device in (col.6,lines 23-38).

Claim 16: Ji disclose host device reports a problem with a virus to the internet access module in (col.3,lines 50-67;col.4,lines 1-1-6).

Claim 17: Ji disclose access module is a live firewall in (fig.2).

Claim 18: Ji disclose access module is a proxy server in (fig.2,3).

Claim 19: Ji disclose access module is router in (fig.2).

Claim 20: Ji disclose access module is a modem in (fig.2).

Claim 21: Ji disclose access module is a gateway in (fig.2).

Claim 22: Ji disclose access module is an application server in (fig.2,3).

Claim 23: Ji disclose connecting a local area network to an Internet via an Internet access module and connecting a host device to the Internet via the local area network in (fig.2 and col.3,lines 31-49).Ji disclose using the Internet access module to enforce a policy for anti-virus protection on the host device in (col.5,lines 9-20;col.6,lines 23-38 and fig.2).

Claim 29: Ji disclose connecting more than one host device to the local area network in (fig.2).

Claim 36: Ji disclose host device reports a problem with a virus to the internet access module in (col.3,lines 50-67;col.4,lines 1-1-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12,24-28,30-31,33,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al(US 6,728,886).

Claim 12: Ji does not specifically disclose host device communicates time stamp indicating when the anti-virus protection software was last updated on the host device to the access module. It would have been obvious to person of ordinary skill in the art to modify the invention of Ji to employ timestamp in order to properly update latest virus software so that system can be protected against newly developed viruses.

Claims 24,25,27: Ji does not specifically disclose out-of-band protocol. Official notice is taken that out-of-band protocol is well known in the art. One of ordinary skill in the art would have been motivated to employ out-of-band protocol in order to set network margins to adapt the specific electrical and timing parameters for a particular network thus enhancing network maintenance.

Claim 26: Ji does not specifically disclose host device communicates time stamp indicating when the anti-virus protection software was last updated on the host device to the access module. It would have been obvious to person of ordinary skill in the art to modify the invention of Ji to employ timestamp in order to properly update latest virus software so that system can be protected against newly developed viruses.

Claim 28: Ji does not specifically disclose communications using the out-of-band protocol are encrypted. Official notice is taken that this is well known in the art. One of ordinary skill in the art would have been motivated to employ encryption using the out-of-band in order to conduct secure communication thus making difficult for hackers to access the data.

Claim 30: Ji disclose Internet access module enforces and maintains the anti-virus protection policies for more than one host device in (col.5,lines 9-20;col.6,lines 23-38 and fig.2).

Claim 31: Ji does not specifically disclose anti-virus protection policies differ between host devices. It would have been to person of ordinary skill in the art to modify the invention of Ji to employ anti-virus protection policies differ between host devices in order to adapt different security needs amongst servers.

Claim 33: Ji does not specifically disclose denying access to the Internet to those host devices not in the range of compliance. It would have been obvious to person of ordinary skill in the art to modify the invention of Ji to deny access to the Internet to those host devices not in the range of compliance in order to protect its network sources against intruders.

Claim 35: Ji does not specifically disclose host device is checked repeatedly to make sure the anti-virus protection is not disabled. It would have been obvious to person of ordinary skill in the art to modify the invention of Ji to employ repeated check scheme in order to make sure that anti-virus protection is enabled at all time thus providing secure means to defend against viruses.

3. Claims 5-8,10-11,13,15,32,34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al(US 6,728,886) in view of Minkin et al(US 6,826,698).

Claims 5-8 : Ji does not specifically disclose administrator sets a range of compliance for the anti-virus protection policy. Minkin disclose this limitation in (col.1,lines 28-55;col.5,lines 62-67). It would have been obvious to person of ordinary skill in the art at the time invention was

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made to employ administrator sets a range of compliance for the anti-virus protection policy as taught in Minkin with anti-virus system disclosed in Ji in order to conduct secure communications according to set of security guidelines so that all the systems in the network conform to the specification set by the administrator thus minimizing tampering or security abuse.

Claims 10,13,15: Neither Ji or Minkin specifically disclose out-of-band protocol. Official notice is taken that out-of-band protocol is well known in the art. One of ordinary skill in the art would have been motivated to employ out-of-band protocol in order to set network margins to adapt the specific electrical and timing parameters for a particular network thus enhancing network maintenance.

Claim 11: Neither Ji or Minkin specifically disclose communications using the out-of-band protocol are encrypted. Official notice is taken that this is well known in the art. One of ordinary skill in the art would have been motivated to employ encryption using the out-of-band in order to conduct secure communication thus making difficult for hackers to access the data.

Claim 32: Ji does not specifically disclose administrator sets a range of compliance for the anti-virus protection policy. Minkin disclose this limitation in (col.1,lines 28-55;col.5,lines 62-67). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ administrator sets a range of compliance for the anti-virus protection policy as taught in Minkin with anti-virus system disclosed in Ji in order to conduct secure communications according to set of security guidelines so that all the systems in the network conform to the specification set by the administrator thus minimizing tampering or security abuse.

Claim 34: Ji does not specifically removing the range of compliance upon notice of a virus alert, denying the host device access to the web if the device does not have the most

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current version of anti-virus protection. It would have been obvious to person of ordinary skill in the art to modify the invention of Ji to deny the host device access to the web if the device does not have the most current version of anti-virus protection in order to protect its system from newly created viruses.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS

A handwritten signature in black ink, appearing to read 'Hosuk Song', located in the bottom right corner of the page.